

## ACCESSIBILITY ADVISORY COMMITTEE MINUTES

Engineering Conference Room, 4<sup>th</sup> Floor City Hall

Thursday, July 22, 2010

2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:08 P.M. The following committee members and staff answered roll call:

Rafael Hernando	Martin Wagner
Karen Pharr	Billie Brown
Manny Razo	Mary Castillo
Mark Shoesmith	William Bennett
Alejandro Campos	Jim Frazer
James W. Peterson	

The following visitors were present:

Arne Schonberger

The following members and staff were not present:

Olivia Chavez	Fred Gromand
Martin Walton	Sergio Reyes

### AGENDA

- I. WELCOME / ROLL CALL
- II. CALL TO THE PUBLIC – PUBLIC COMMENT  
This time is reserved for members of the public who would like to address the City Accessibility Advisory Committee on any items that are not on the City Accessibility Advisory Committee Agenda and that are within the jurisdiction of the City Accessibility Advisory Committee. No action shall be taken.
- III. APPROVAL OF MINUTES of February 11, 2010, March 25, 2010, and April 22, 2010.
- IV. DISCUSSION AND ACTION
  - A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
  - B. Curb Ramp on Request Program
  - C. Easter Seals Project Action – Accessible Transportation Coalition Initiative
  - D. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Sensitivity Training
    - Barrier Free Construction
  - E. Authority and Responsibility of the Accessibility Coordinator
  - F. Formal complaints regarding ADA/Accessibility Compliance
  - G. Plan Reviews
  - H. Next Meeting Agenda, Date, and Location (8-26-2010)
- V. ANNOUNCEMENTS
- VI. ADJOURNMENT

Item 1. Welcome / Roll Call

Roll call was taken and a quorum was confirmed.

Item 2. Call to the Public – Public Comment

There was no public comment.

Item 3. Approval of Minutes of February 11, 2010, March 25, 2010, and April 22, 2010.

The minutes are not ready, so this will be postponed until next meeting.

Item 4. Discussion and Action

- A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.  
Comments were made by William Bennett, Rafael Hernando, Mary Castillo, Martin Wagner, Manny Razo, Billie Brown, Arne Schonberger, Karen Phar, James Peterson, and Jim Fraser.

No action was taken on this item.

- B. Curb Ramp on Request Program.

Comments were made by William Bennett and Mary Castillo.

No action was taken on this item.

- C. Easter Seals Project Action – Accessible Transportation Coalition Initiative

Comments were made by James Peterson, Mary Castillo, and William Bennett.

No action was taken on this item.

- D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments were made by William Bennett and Mary Castillo.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett, Rafael Hernando, Jim Fraser, Arne Schonberger, Karen Pharr, Martin Wagner, Billie Brown, and Mary Castillo.

- E. Authority and Responsibility of the Accessibility Coordinator

Comments were made by William Bennett, Arne Schonberger, James Peterson, Billie Brown, Manny Razo, Mary Castillo, Mark Shoesmith, Jim Fraser, and Marty Wagner.

No action was taken on this item.

- F. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett, Billie Brown, Martin Wagner, James Peterson, Alejandro Campos, Mary Castillo, Jim Fraser and Arne Schonberger.

- G. Plan Reviews

Comments were made by William Bennett, Jim Fraser, Rafael Hernando, Mary Castillo, and Billie Brown.

- H. Next Meeting Agenda, Date, and Location (8-26-2010)

The next meeting will be on August 26, 2010.

Item 5. ANNOUNCEMENTS

An announcement was made by William Bennett.

Item 6. ADJOURNMENT

A motion was made by Rafael Hernando, seconded by Mary Castillo, and unanimously approved to adjourn the meeting at 2:57 p.m.

AYES: Rafael Hernando, Martin Wagner, Karen Pharr, Billie Brown, Manny Razo, Mary Castillo

NAYS: None

ABSTAIN: None

## ACCESSIBILITY ADVISORY COMMITTEE MINUTES

Engineering Conference Room, 4<sup>th</sup> Floor City Hall

Thursday, July 22, 2010

2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:08 P.M. The following committee members and staff answered roll call:

Rafael Hernando	Martin Wagner
Karen Pharr	Billie Brown
Manny Razo	Mary Castillo
Mark Shoesmith	William Bennett
Jim Frazer	Alejandro Campos
James W. Peterson	

The following visitors were present:

Arne Schonberger

The following members and staff were not present:

Olivia Chavez	Fred Gromand
Martin Walton	Sergio Reyes

### AGENDA

- I. WELCOME / ROLL CALL
- II. CALL TO THE PUBLIC – PUBLIC COMMENT  
This time is reserved for members of the public who would like to address the City Accessibility Advisory Committee on any items that are not on the City Accessibility Advisory Committee Agenda and that are within the jurisdiction of the City Accessibility Advisory Committee. No action shall be taken.
- III. APPROVAL OF MINUTES of February 11, 2010, March 25, 2010, and April 22, 2010.
- IV. DISCUSSION AND ACTION
  - A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
  - B. Curb Ramp on Request Program
  - C. Easter Seals Project Action – Accessible Transportation Coalition Initiative
  - D. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Sensitivity Training
    - Barrier Free Construction
  - E. Authority and Responsibility of the Accessibility Coordinator
  - F. Formal complaints regarding ADA/Accessibility Compliance
  - G. Plan Reviews
  - H. Next Meeting Agenda, Date, and Location (8-26-2010)
- V. ANNOUNCEMENTS
- VI. ADJOURNMENT

Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed.

Item 2. Call to the Public – Public Comment

There was no public comment.

Item 3. Approval of Minutes of February 11, 2010, March 25, 2010, and April 22, 2010.

The minutes are not ready, so this will be postponed until next meeting.

Item 4. Discussion and Action

- A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
- The council approved the reduction from five percent Type A accessible units to 3 percent Type A accessible units with roll in showers. They also considered delaying the reduction until the analysis of impediments was complete, but decided not to delay. The analysis of impediments is being done by Southwest Fair Housing out of Arizona. They have done a number of analysis of impediments for different agencies and different entities. When they finish their analysis then it will go back to council if they determine that 3% is not adequate or if it is a violation of the Fair Housing Act. Any apartments that are constructed using federal or state funding must have five percent of the units Type A accessible which under our ordinance requires a roll in shower. Paso del Norte Civil rights group has filed some kind of action to have the something done. They will try to either overturn the ordinance until the analysis of impediments is done or just completely void the ordinance. At what stage the action is at is not known. It has to do with not having enough accessible apartment units in the City of El Paso. The builders have requested that our local ordinance that required five percent of all apartments be constructed be reduced to what the national building codes require, which is two percent. Our local ordinance also requires that Type A units have roll in showers. When it was passed at five percent we were so far behind that we needed a way to catch up. After twenty six years the builders came back and said that the accessible units are not being rented out, or they are not able to rent the units out. That is not necessarily true because occupancy is 96 or 98 percent according to the article in the paper. They are renting the units out. It may take longer to rent them out and they may be the last units being rented, but they are being rented. The city is still one percent over other places. California has a requirement of four percent, Washington is five percent, and New York is ten percent. It just depends on where you are. The state of Texas is at two percent unless state or federal funding is involved, then it is five percent. The contract with the fair housing research group is being signed or worked on. The group out of Tucson that is doing the study is also doing an analysis of impediments for the State of Texas. After the study is complete it will be known if the city has enough apartment units or not, and what the impediments to fair housing are. The contract was awarded to the group from Arizona about three weeks after the City boycotted Arizona. There were three or four applications were submitted to do the analysis. This company had the most experience and was inexpensive. The bid came in at about \$27,000. There does not have to be any action taken on this item because the committee has already given the recommendation not to reduce the number of apartments. All of the apartment permits issued to date are constructed with five percent accessible units. There is an apartment complex on Pellicano. The ones that are being built on Bob Hope close to Vista Del Sol are not on list. They may be quadraplexes. They are not on the list. There is one on Mesa that is coming in. It is a large complex. The ones that Tropicana Homes is building will have five percent accessible units because they are using federal funds. That could be the Reserve at Sandstone Ranch is being built by the Bowling family.

No action was taken on this item.

- B. Curb Ramp on Request Program.

The contract has reached capacity, so there are no curb ramps being installed at this time. There is \$200,000 plus left on the for the 35<sup>th</sup> year CDBG funding. The contract is being put out. It was advertised last Tuesday and the bids should be open on August 4<sup>th</sup>. The signed contract will probably be back by the end of August. Whenever it is returned the program will kick off again and the 35<sup>th</sup> year ramps will be completed. The ARRA funding, American Reinvestment and Revitalization Act funding, is done. There may be one curb ramp left to do, and it will be done when the new contract is let. There will probably be some money returned because HUD is not going to allow adding to the list. There will be \$20,000 to \$30,000 returned to Community Development and it will be used on another project. They have two more ARRA projects that aren't going to expend all the money that they anticipated. They will use that on another project has been approved. Next year CD has given \$160,000 to continue the program. The number installed this year has not been added up yet. There should have been about 110 for the regular CDBG funding and about 40 to 50 for the ARRA funding. We had a list that had enough curb ramps on the lists, but between the time it was developed and the time to install the ramps, a lot of the ramps had already been done, under resurfacing or Sun Metro. The ARRA funding employed nine full time employees and four part time employees.

- C. Easter Seals Project Action – Accessible Transportation Coalition Initiative  
Individuals from the city, Volar, DARS, Lighthouse for the Blind, Lulac, and Project Action came in to town and got everyone together to identify issues in the City of El Paso that pertain to mobility for individuals with disabilities. The group brainstormed and came up with a list of priorities that the City of El Paso should look at to improve service. Some of the priorities were uninterrupted pathways to transportation, or transportation facilities, full access, funding for those type of services, expansion of Sun Metro's transportation services to include late hours and more hours of service for accessible transportation and fixed route transportation. The group is going to meet on a regular basis and try to convince the powers that might be able to provide funding or have decision making abilities to encourage the increase of mobility for the citizens of El Paso. They also discussed service to Anthony and Las Cruces, real true regional transportation service.

- D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

The number of people on contract that are employed has not been obtained. There are a whole bunch of students that are working with the summer youth program and there are a whole bunch of people that have been hired on contract basis versus competitive exam full time employment. Part of that is so that if the individual messes up he can be fired and another person can be hired. Other options are being looked at to get individuals employed in the city. There is kind of a hiring freeze on now because of the budget crunch.

No action was taken on this item.

Sensitivity Training

This is still being worked on. John Eager will be helping with the training when he has time.

No action was taken on this item.

Barrier Free Construction

There is nothing new on this item. Contractors are building barrier free housing, single family housing, for the upper priced housing. The rest are being built with narrow doorways. The hallways are required to be 36 inches wide minimum by code already. Higher priced homes are built with wide doorways and larger bathrooms and kitchens. There is a movement going around the country to educate individuals

more to get the wider doorways, larger bathrooms and kitchens that can be maneuvered in more easily. It will probably be legislated in the near future. There are no plans at this time for El Paso to make barrier free construction a law. When this item was first introduced, the committee began talking to the home builders and the builders association. They flat out said that they were not going to do it. They are already doing a lot of the items because it is required. They are not doing the no step entry unless requested to do so. They are not doing wider doorways into bathrooms in most cases. One of the doors going into the house is already required to be a minimum of 36 inches wide. About half of the requirements are in place by code. There is a problem with a house in the Tierra's, where the driveway is small and the bumper on a full size van sticks into the sidewalk and the driveway itself is very steep. The sidewalk crossing the driveway is required to be flat and the width must be three feet minimum. Part of the reason the driveway is so steep is because the size of the lot and the setback has been decreased. That is smart growth. All of the information about the Smart Code is on the Development Services web site. Some houses are set back more and the driveway is not as steep. There are variable setbacks. There is something called setback averages, that have to total so many feet. Under the subdivision ordinance there is a maximum slope on the driveway, which might be 14 percent. That is allowable. For a ramp it is 8.3 percent. The vehicles should not be hanging over the sidewalk, but when the vehicle is a double cab, extended bed, in combination with a small lot, the vehicle is going to be in the sidewalk. It is an enforcement issue that needs to be handled by the police department or code enforcement. Information on barrier free construction will be retrieved. There are ordinances in Pima County that require barrier free construction. There is nothing in Texas. Education is important also. Builders will build what the people want. If the public is educated that they may be in a wheel chair or walker some day, it would make sense to build a wide or pocket door to get into the bathroom, rather than having to tear everything apart. Most people do not know that they can discuss anything with the builder. They go to a realtor and the realtor tells them that they cannot have any changes and they believe it. Then they say they are going to someone who will then the realtor says that they will make a change. There must be a way to educate on the web site or through the realtors. It has been talked about to get the realtor's association involved. There is a real need for the barrier free construction and there are builders that are constructing housing without barriers. No action was taken on this item.

E. Authority and Responsibility of the Accessibility Coordinator

There is a new decision out that outlines what the accessibility coordinators authority and responsibilities are. The coordinator does not give advice to anyone any longer except for city projects. If information is requested for anything other than a city project, the person will be told to contact a Registered Accessibility Specialist, call the State, or a consultant. This occurred because a question was asked about a ramp that had been removed and a barrier had been erected and a curb was left instead of putting in a new ramp. The individuals for the homeowners association were told that they had to comply with Fair Housing laws and with the Texas Accessibility Standards the ADA for the common areas. The coordinator was told to let the individuals contact private consultants or the state. This way the city is not open to liability if bad information is given out. The city does not enforce accessibility issues. It is done by the Texas Department of Licensing and Regulation for commercial facilities, Border Fair Housing and Economic Justice Center for residential type items, HUD for residential type items, Department of Justice. What the city enforces are our ordinances, which does include the Texas Accessibility

Standards for accessibility. It is enforced by the building inspectors. The Accessibility Coordinator does not have any enforcement authority. If there are access issues with city buildings, the coordinator would get involved. If there is a formal complaint it would have to be related to city facilities. The museums do not have accessible parking because none of the downtown buildings are required to have parking. Parking at meters is free if for individuals with parking placards or DV plates.

No action was taken on this item.

F. Formal complaints regarding ADA/Accessibility Compliance

Most of the complaints received are about right of way issues. Lack of sidewalks, no curb ramps, etc. Under the ADA sidewalks are not required. If there are sidewalks they must meet certain requirements. What is required is that municipalities have a plan to remove barriers at corners and install curb ramps, but there is not a requirement to connect the ramps. When a property is developed, it is required in most cases to install the sidewalk. The only formal complaint received was about Sun Metro where a ramp had been removed in the dispatch office. Sun Metro has been put on notice to reinstall the ramp. This area could be considered an employee work area and all that would be required would be to enter, maneuver, and exit under TAS and ADA. Our ordinance requires all areas to be accessible including employee work areas.

G. Plan Reviews

Saipan Pond Park has been reviewed. Four or five subdivisions have come in to the office. Several city facilities that are being designed in-house, have been reviewed. The A. B. Fall Mansion has been reviewed. It will be a medical facility and is going to have an elevator installed. The project will also be submitted to a Registered Accessibility Specialist for review because the valuation of the renovation is over \$50,000.

H. Next Meeting Agenda, Date, and Location (8-26-2010)

The next meeting will be on August 26, 2010.

Item 5. ANNOUNCEMENTS

The 26<sup>th</sup> of July is the anniversary of the ADA. Volar is having a picnic at Ascarate Park.

Item 6. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 2:57 p.m.